

**SHANISHA YOUNG, individually and on behalf of her daughter, Z.K., a minor, et al.**

**Plaintiff,**

**v.**

**TEMPLE UNIVERSITY HOSPITAL, et al. ,**

**Defendants.**

**CIVIL ACTION**

**No. 19-1174**

**SHANISHA YOUNG, individually and on behalf of her daughter, Z.K., a minor, et al.**

**Plaintiff,**

**v.**

**TEMPLE UNIVERSITY HOSPITAL, et al. ,**

**Defendants.**

**CIVIL ACTION**

**No. 19-1714**

**AND NOW**, this 28<sup>th</sup> day of October, 2019, upon consideration of the United States of America’s Motion to Substitute and Dismiss for Lack of Jurisdiction (Civ. A. No. 19-1174, Doc. No. 25), Plaintiffs’ Response (Civ. A. No. 19-1174, Doc. No. 26), the Response of Defendants Temple University Hospital, Inc, Temple University of the Commonwealth System of Higher Education, Temple University Health System, Inc., Erin Cavanaugh, M.D., and Scott E. Jordan, M.D. (collectively, the “Temple Defendants”) (Civ. A. No. 19-1174, Doc. No. 27), the United States of America’s Motion to Substitute and Dismiss for Failure to State a Claim (Civ. A. No. 19-1714, Doc. No. 12), Plaintiffs’ Response (Civ. A. No. 19-1714, Doc. No. 20), the Temple Defendants’ Motion to Dismiss for Failure to State a Claim (Civ. A. No. 19-1714, Doc. No. 13),

and Plaintiffs' Response (Civ. A. No. 19-1714, Doc. No. 21), and following an on-the-record telephone conference, it is hereby **ORDERED** that:

1. The United States of America is substituted as a defendant for Shwetha S. Shrivatsa, M.D. in both Civil Action No. 19-1174 and Civil Action No. 19-1714, and all claims against Dr. Shrivatsa in both actions are **DISMISSED**.
2. Plaintiffs' claims against the United States of America in Civil Action No. 19-1174 are **DISMISSED** for lack of subject-matter jurisdiction.
3. The United States of America's Motion to Dismiss the cross-claims by the Temple Defendants in Civil Action No. 19-1174 is **DENIED**.
4. The Court will exercise supplemental jurisdiction over Plaintiffs' claims against the Temple Defendants in Civil Action No. 19-1174.
5. The United States of America's Motion to Dismiss Plaintiffs' claims against it in Civil Action No. 19-1714 is **DENIED**.
6. The Temple Defendants' Motion to Dismiss Plaintiffs' claims against them in Civil Action No. 19-1714 is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff Atiba Kenyatta and Plaintiff Shanisha Young's claims against the Temple Defendants are **DISMISSED** as untimely. Minor Plaintiff's Z.K.'s claims against the Temple Defendants shall not be dismissed.
7. Within **fourteen (14) days** from the date of this Order:
  - a. The United States shall file an Answer to the Complaint in Civil Action No. 19-1714;
  - b. The United States shall file an Answer or other responsive pleading to the cross-claims in Civil Action No. 19-1174 and Civil Action No. 19-1714;

- c. The Temple Defendants shall file an Answer to the Complaint in Civil Action No. 19-1174, and to minor-Plaintiff Z.K.'s Complaint in Civil Action No. 19-1714.

**BY THE COURT:**

*/s/ Mitchell S. Goldberg*

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**MITCHELL S. GOLDBERG, J.**